

I.R.S. CRUCIFIES PORTH

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He further believed the average American spent the money he earned far wiser than the average congressman.

Porth commented: "Why should I contribute to the support of delinquent or illegitimate children whose parents I never even met? Charity is a function of the church, not the state. I will support such welfare cases as I see fit. Do we not have dozens of opportunities to contribute to some kind of a welfare or charity every day? You can't turn on a T.V. without hearing somebody appeal for money for some cause or other. But Congress never turns down any appeal. When it comes to spending our money, they have no equals. When it comes to my money, I believe in freedom of choice — the right to spend my own money."

With regard to taking private property (money is private property) for public use without just compensation, in one of his meetings with officials of the Internal Revenue Service, Porth took great delight in telling how he explained his situation to them. He quoted a Supreme Court decision — "The taking of private property for public use without just compensation not only violates the United States Constitution, Amendment 5, forbidding it, but is a violation of natural rights and justice." Continuing, he said, "I commented on rape. It is wrong to take that from any lady not volunteered freely. The taking of private property in this instance is and always has been governed by natural law or will. The respect and dignity afforded a lady in this instance was enjoyed and protected even before the Constitution of the U.S. was adopted. So it is and must be with all private property. The taking of it is a constitutional violation AS WELL AS a violation of natural laws and justice."

The hollow mockery of this Satanic tax that was sold to Congress on the basis of "soak the rich" infuriated Porth. When he first conceived the idea of filing his 1040 form in blank he simply wrote in: "I plead the Fifth Amendment to the Constitution of the United States" and signed it. The pertinent part of this Amendment reads: "No person . . . shall be compelled in any criminal court case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation." In filling out form 1040 he would explain, "This procedure is so complex, so intimate and the directions so confusing that any person could incriminate himself without knowing it. I refuse to place myself in that position."

As Porth's knowledge of the Constitution increased, he eventually listed 26 protective clauses which caused him to amend his final 1963 income tax return to read: "My rights under the Constitution and its Preamble are affected as follows." The list appeared in the Dec. 8, 1970 issue of the Congressional Record having been inserted there by Honorable John R. Rarick.

Where Are the Lawyers?

What bothered Porth most was the fact that he was unable to enlist the interest of ANY lawyer anywhere in his findings. None disagreed with him but no lawyer would represent him in court, despite the fact that every attorney practicing before the bar in the United States has to take an oath to defend and uphold the Constitution of the United States.

Justice, as you and I conceive of it, is simply not to be found at the courts, for the very simple reason that the standards of "justice" change from Supreme Court to Supreme Court depending upon what particular sociologists are dictating the policy of our government. The Porth case, as it goes through the courts, will highlight this.

Arthur Porth had studied his Constitution well and reviewed carefully old Supreme Court decisions rendered by Judges appointed to uphold the Constitution and

not the pack of social reformers we now have who are also the prime promoters of our current flood of PORNOGRAPHY. Every "X" movie released advertises this fact with its opening credit to the Supreme Court. Something Eh?

He knew that his position on the income tax was impregnable because the language in the Constitution was clear and unmistakable. As time went on through years of correspondence with I.R.S. officials, Porth became aware of the fact that both the I.R.S. and the Justice Department were well aware that his position was solid and neither dared challenge it. In fact, he defied the establishment to prosecute him. Seven years passed, and his challenge was never accepted. As I have previously observed, Porth was a very "bullheaded" and persistent individual. He was determined to have a showdown.

"Why Aren't You in Jail?"

The opportunity for a showdown came in the fall of 1966. Senator Long of Missouri was holding hearings on the illegal and brutal methods used by the I.R.S. to bludgeon taxpayers into submission. When these hearings came to Kansas City, Mo., I called Arthur and suggested that we attend them. We were the first witnesses to arrive in the morning but by noon we had still not been called on.

When the noontime recess was called we approached the Senator and told him it was urgent that we be heard as soon as possible. Senator Long called his counsel, a young energetic sort of fellow. I introduced Porth as the man who refused to pay federal income taxes and he wanted to explain why. The counsel literally fell back in astonishment, "Why aren't you in jail?" he blurted out.

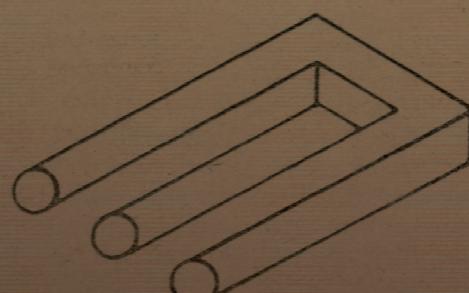
"That's what I'm here for," Porth calmly replied. "I'd like for you to try to put me in jail." Porth contended that it was the duty of the Justice Department to indict him if he was guilty of any crime.

This was a very important point in Porth's position. He had noted that the I.R.S. was always maneuvering the reluctant taxpayer into a position where the taxpayer was the plaintiff pleading with the courts to make certain exceptions to his position on tax paying. You may recall the vibrant case of Vivien Kellem, who refused to be forced into becoming a tax collector for her employees under the Withholding Tax.

But the crafty government "lawyers" grabbed her bank account and forced her to sue the government to return her money. Can you imagine your own government putting you in such a position? Well these rascals do it all the time. Porth was not about to be caught in that trap. He was going to be the defendant and the government was going to prosecute him. And so it was.

We left the hearing room and I gave Porth enough money for bus fare home. Hardly had he set foot in his own doorstep when a grand jury in Kansas City, Kansas, across the river from Kansas City, Mo., popped up from nowhere and served notice on him to appear before them. Problems developed, however. It seemed no judge wanted to hear Porth's case. Some six months later Judge George Templar of Topeka, Kansas held court.

WHAT IS IT?



Exact re-production of the "LIBERAL MIND." If you can figure this out, you may just possibly succeed in figuring out your personal Income Tax.

Porth was confident but made one bad mistake. He assumed that the Constitution was the law of the land. He never doubted it until he found himself in the Springfield Mental Prison, and I then told him that the Constitution was buried under the Administrative Procedure Act of 1946. He looked at me intently and said, "Smith, if what you say is true, then there is no hope for this country."

In July 1967, a jury found Porth guilty of "evasion of personal income taxes." Anybody who has had dealings with the Internal Revenue Service knows that it can always be bought off for a price of some kind i.e., their preposterous claims can always be "settled." So if Porth wanted to settle for money, a hundred bucks would probably have induced the I.R.S. to call off their dogs. Plainly the charge of "income tax evasion" was utterly absurd. What Porth did not realize is the fact that under the I.R.S. rules and regulations, by virtue of the Administrative Procedure Act of 1946, the only possible charge that could be brought against him was, "evasion of income taxes." Note this. Not one word of the brief carefully prepared by Porth setting forth his constitutional position was permitted to be entered into the court hearing. Arthur was dumbfounded by the entire proceeding and instantly appealed to the next higher court, still believing that the Constitution was the Law of the Land.

Adding insult to injury, 17 days after the case was tried Judge Templar sentenced Porth to five years in prison on four counts of tax evasion and failure to file, and decided that Porth should be sent to the federal mental hospital in Springfield, Mo., for 90 days "observation."

Porth knew that a 90 day sentence in any of the government mental institutions was tantamount to a death sentence, because both of us had investigated the case of one Otto Blume who had been sent to the same institution in 1965 because he refused to yield title to his land, a 180-acre ranch, that the U.S. War Department wanted for recreation purposes. The only way the War Department could obtain legal title to the land would be to have Blume declared insane as Blume had made it very clear his land was not for sale AT ANY PRICE. He refused the eight thousand odd dollar check proffered him.

Blume was found insane on the evidence presented by some foreign-born psychiatrists whose broken English was barely understandable. Poor Blume, deserted by his friends and relatives, who were not permitted to see him anyway, died two weeks after the hearing and the War Department came into undisputed title.

Appeal Procedure

Let's take a look now at what happened to Porth's pleadings in the 10th Circuit Court of Appeals in Oklahoma. Attorney Jerome Daly came to Porth's defense and agreed to represent him. He appeared before the judge late in the morning of the appointed time.

Jerome Daly was the fiery patriot who won his case in Minnesota, referred to earlier, in which he proved that federal reserve notes were not legal tender or currency and were therefore fraudulent. You will recall that Judge Mahoney who rendered the favorable decision, died suddenly shortly thereafter, and Jerome Daly was disbarred for daring to defy the international thieves who manipulate the federal reserve system. All this came to a head about the time Jerome Daly faced the judge in the Tenth Circuit Court of Appeals. The judge asked Daly if he had been disbarred and Daly admitted that an action was pending. Without hearing a word in Porth's defense, the judge dismissed the case. Thus "justice" is meted out in the federal courts today.

This did not bother Porth too much because now he knew his dream of taking his case to the Supreme Court was at last to be filled. Here he was certain his arguments relative to the unconstitutionality of the income tax were bound to be heard. In fact, he determined to carry his brief to

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